

106TH CONGRESS
1ST SESSION

H. CON. RES. 237

Expressing the sense of the Congress that a portion of the budget surplus should be used to fulfill moral and legal responsibilities of the United States by ensuring proper payment and management of all federally held tribal trust fund accounts and individual Indian money accounts.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1999

Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Mr. VENTO, Mr. PASTOR, Mr. INSLEE, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Mr. McDERMOTT, Mrs. CHRISTENSEN, Ms. ESHOO, and Ms. WATERS) submitted the following concurrent resolution; which was referred to the Committee on Resources

CONCURRENT RESOLUTION

Expressing the sense of the Congress that a portion of the budget surplus should be used to fulfill moral and legal responsibilities of the United States by ensuring proper payment and management of all federally held tribal trust fund accounts and individual Indian money accounts.

Whereas in 1820, the United States assumed the role of trustee for lands belonging to Indian tribes and individual Indians, and the income earned from such lands;

Whereas the Secretary of the Interior, through the Bureau of Indian Affairs, is responsible for administering the United States' fiduciary responsibility over Indian trust

funds, which include approximately 1,500 tribal accounts worth approximately \$2,600,000,000 and approximately 390,000 individual Indian money accounts worth approximately \$453,000,000;

Whereas each year another \$1,000,000,000 passes through these accounts;

Whereas the General Allotment Act of 1887 divided up much Indian land and transferred tribal land to individual Indians; as this land is passed down to heirs single allotments can include dozens of owners and the Bureau of Indian Affairs must keep accounts for each owner regardless of the balance of the owner's account;

Whereas trust fund accounts are comprised primarily of money received through the sale or lease of trust lands, and include timber stumpage, oil and gas royalties, and agriculture fees;

Whereas accounts containing judgment funds awarded to tribes are also maintained by the Bureau of Indian Affairs;

Whereas the management of Indian trust funds affects almost every agency within the Department of the Interior;

Whereas much has been written about improper management of funds in general within the Bureau of Indian Affairs; since its inception as part of the United States War Department in 1824;

Whereas over the years, numerous audits and reports on Indian trust funds have been published by the Inspector General of the Department of the Interior, the General Accounting Office, the Office of Management and Budget, and congressional committees detailing mismanagement of funds;

Whereas in 1992 the House of Representative issued a report entitled “Misplaced Trust: The Bureau of Indian Affairs’ Mismanaged of the Indian Trust Fund” which detailed management problems, including that the trust funds had never been reconciled, that tribes and individual Indian money account holders did not receive regular statement as to the activity in the accounts, and that the book-keeping practices for the accounts were substandard;

Whereas the Bureau of Indian Affairs reports that it can not account for at least \$2,000,000,000 in trust funds and was therefore unable to ensure that these funds were directed to the proper accounts as lost documentation over the decades has left huge gaps in account paper trails;

Whereas Congress passed the American Indian Trust Fund Management Act of 1994 (P.L. 103–412) which gave the Secretary of the Interior specific requirements for management of trust funds and established a position of Special Trustee of Indian Trust Funds within the Department of the Interior;

Whereas on June 10, 1996, a class action suit was filed in United States District Court for the District of Columbia on behalf of the approximately 390,000 individual Indian money account holders;

Whereas the historical and legal record demonstrates that the United States has failed in its fiduciary responsibility to manage these accounts;

Whereas the Indian trust funds have been listed as one of the top Federal financial liabilities; and

Whereas the Congressional Budget Office has projected a \$3,000,000,000,000 budget surplus over the 10 years:
Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that a
3 portion of the budget surplus should be used to fulfill the
4 moral and legal responsibilities of the United States by
5 ensuring proper payment and management of all federally
6 held tribal trust fund accounts and individual Indian
7 money accounts.

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